

103D CONGRESS
1ST SESSION

H. R. 1999

Respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1993

Mr. FAZIO (for himself, Mr. LEHMAN, Mr. MURPHY, Mr. GOODLING, Mr. DOOLEY, Mr. FAWELL, Mr. CONDIT, Mr. MATSUI, Mr. STENHOLM, Mr. GUNDERSON, Mr. HERGER, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. PETRI, Mr. HENRY, Mr. BOUCHER, Mr. PICKETT, Mr. PAYNE of Virginia, Mr. PENNY, Mr. DERRICK, Mr. SISISKY, Mrs. THURMAN, Mr. VALENTINE, Mr. LANCASTER, Mr. MINGE, Mr. HEFNER, Mr. MONTGOMERY, Mr. BACCHUS of Florida, Mr. HOEKSTRA, Mr. MILLER of Florida, Mr. LEWIS of Florida, Mr. CANADY, Mr. HANSEN, Mr. SMITH of Oregon, Mr. UPTON, Mr. PAXON, Mr. SARPALIUS, Mr. ORTIZ, Mr. HOLDEN, Mr. LAROCO, Mr. PARKER, Mr. THOMAS of California, Mr. WOLF, Mr. BALLENGER, Mr. WALSH, Mr. ROBERTS, Mr. CUNNINGHAM, Mr. GOODLATTE, Mr. BOEHNER, Mr. MCCOLLUM, Mr. POMBO, Mr. HUTTO, Mr. ROWLAND, Mr. CAMP, and Mr. MCHUGH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

Respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 The Congress finds that—

3 (1) the fundamental premise of the workers'
4 compensation system, which is the exclusivity of
5 workers' compensation for workplace injuries as an
6 alternative to a fault-based system relying on costly
7 and lengthy litigation in the courts, must be pre-
8 served,

9 (2) this premise was threatened by the decision
10 in 1990 of the United States Supreme Court in
11 *Adams Fruit Co. Inc. v. Barrett*, 494 U.S. 638,
12 which held that migrant and seasonal farmworkers
13 could bring a private right of action for certain job-
14 related injuries under the Migrant and Seasonal Ag-
15 ricultural Worker Protection Act even where the em-
16 ployer has provided workers' compensation coverage
17 of such farmworkers,

18 (3) the *Adams Fruit* decision did not reflect the
19 intent of the Congress when it enacted the Migrant
20 and Seasonal Agricultural Worker Protection Act in
21 1982,

22 (4) the *Adams Fruit* decision singles out agri-
23 cultural employers as the only employers in America
24 who can be subjected to lawsuits as a result of work-
25 place injuries even where they have provided work-
26 ers' compensation to their employees,

1 (5) Congress expressed its disapproval of the
2 Adams Fruit decision in Public Law 102–392 by
3 overturning the decision until July 6, 1993, and

4 (6) it is essential that the exclusivity of work-
5 ers’ compensation be permanently restored.

6 **SEC. 2. ELIMINATION OF EXPIRATION.**

7 Section 325(c) of the Legislative Branch Appropria-
8 tions Act, 1993 (29 U.S.C. 1854 note) is amended to read
9 as follows:

10 “(c) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply to all cases in which a final judg-
12 ment has not been entered before October 6, 1992.”.

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